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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,986	11/19/1999	DANIEL JOSEPH OMAHONY	99.1064.US	8043

7590 09/02/2004

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EXAMINER

ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

08272004

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Commissioner for Patents

The Amendments filed on June 4, 2004 and March 8, 2004 have been received and entered. However, the issues raised in Paper No. 23 regarding improper incorporation of material into the specification remains.

(A) It is noted that applicant has instructed the Patent Office to not enter the amendment filed on July 1, 2002 in an amendment filed on March 8, 2004, however, that amendment has already been entered and cannot be unentered (amendment to sequence listing pages 1-51).

(B) The amendment filed on March 8, 2004 has instructed the Patent Office to insert tables and text from WO 98/51325, hereby incorporated by reference into the instant specification. The Declaration filed in support of this entry was acknowledged in Paper No. 23. It is noted that the text of the reference and the instant application are not identical as stated. Applicant has also made admissions on the record of deleting and inserting text which is not consistent with WO 98/51325. Note for example that the text "6.1 Selection of GIT Receptor Targets" is missing from the instant application on page 5 after line 12. However, the bullet "6.2" has been added. As this information was not incorporated into the instant specification the disclosure of "6.2" is inconsistent without "6.1". In addition, is not consistent with the applicant's statement on the record that the text is identical to the reference incorporated.

(C) Applicant is reminded that no new matter should be entered with amendments filed. Correction of the above is required. Since the above mentioned amendment appears to be a bona fide attempt to reply, applicant is given a Time Period of ONE MONTH (1) OR THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(A) ARE AVAILABLE. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber, can be reached at (571) 272-0925.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hope Robinson, MS
Patent Examiner

HR
5/27/04